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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 14 April 1998, at 3 p.m.

Chairman: Mr. SELEBI (South Africa)

later: Mr. GALLEGOS CHIRIBOGA (Ecuador)

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GE.98-12116 (E)

The meeting was called to order at 3 p.m.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1998/L.39)

Draft resolution E/CN.4/1998/L.39 (Assistance to Guatemala in the field of human rights)

1. Mr. GALLEGOS CHIRIBOGA (Ecuador) introduced, on behalf of its sponsors, draft resolution E/CN.4/1998/L.39, which would put an end to the consideration of the situation of human rights in Guatemala if adopted. Few countries had received as active human rights monitoring by the United Nations for so lengthy a period as Guatemala. Furthermore, at a time of welcome developments such as the conclusion of the peace agreement in northern Ireland, the peace process in Guatemala was in itself an exemplary process, with a wealth of lessons for the international community, and a source of inspiration for other countries. Peace in Guatemala had its roots in the process begun during the Cold War years by the countries of Central America (Esquipulas II Agreement), which, tired of being pawns in the rivalry between the two nuclear super-Powers, had asked for help from the United Nations in beginning the difficult task of seeking peace through negotiation and dialogue. And in a way, the peace in Guatemala was also a Latin American peace.

2. The draft resolution under review reflected a consensus among the national participants in the peace process, but also had the backing of all the countries of Latin America and the Caribbean. With the full agreement of the parties concerned, and in order to ensure consistency between the operative part of the draft resolution and its preamble, it had been proposed that the following new paragraph should be added after paragraph 2:

> "Recognizes the efforts of the Government of Guatemala in the field of human rights and encourages it further to promote human rights and fundamental freedoms and to intensify policies which will improve public security conditions and the administration of justice, especially in the fight against impunity;"

Another proposal, also accepted by the parties concerned, consisted of deleting the adjective "basic" as the modifier of human rights in the fifth preambular paragraph and describing resources as being "necessary" rather than "indispensable" in paragraph 13.

3. Mrs. KLEIN (Secretary of the Commission) said that Spain, Italy, Norway and the United States of America had become sponsors of the draft resolution.

4. The CHAIRMAN informed the members of the Commission that the draft resolution would have no financial implications. If he heard no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1998/L.39, as orally amended, without a vote.

5. It was so decided.

6. Mr. PERALTA (Guatemala) thanked the Commission for showing its confidence in the Guatemalan Government by deciding to end its consideration

of the situation of human rights in Guatemala. He also expressed his Government's recognition to the sponsors of the draft resolution. The international community had provided valuable assistance both in helping to ensure respect for human rights and in strengthening the process of democratization and peace in Guatemala. As the Minister for Foreign Affairs of Guatemala had stated before the Commission on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, Guatemala was the best example of the progress that could be achieved in the area of human rights when a State exercised its national sovereignty in deciding freely to accept cooperation and advisory assistance from the international community.

7. The resolution just adopted marked the end of a period of suffering and fratricidal clashes and opened the way for economic and social development. With the implementation of the peace agreements, the Guatemalan Government, the Unidad Revolucionaria Nacional Guatemalteca and the people of Guatemala as a whole were determined to establish a mutually supportive society founded on equity - social, ethnic and sexual. Guatemala was endeavouring to justify the international community's confidence in it by continuing to strengthen the rule of law and ensure full respect for human rights. Reaffirming the importance of the agreement on the provision of advisory services in the field of human rights and the role of the United Nations Verification Mission in Guatemala (MINUGUA), he expressed deep regret for the recent tragic accident in which several members of the Mission had died while working for peace and reiterated the deep sadness of the Government and people of Guatemala.

8. The defence and promotion of peace, democracy and human rights continued to demand ongoing efforts by the international community to provide the inhabitants of the entire planet with the full enjoyment of the rights to which every human being was entitled. Strengthened by their experience, the Government and people of Guatemala were determined to help achieve that objective.

9. Mr. ZAPATA (Unidad Revolucionaria Nacional Guatemalteca - URNG) expressed his organization's gratitude to the Commission for its ongoing monitoring of the human rights situation in Guatemala for 19 years and its key role in defending the rights of the Guatemalan people and settling the conflict. Fifteen months after the signature of the peace agreement, Guatemala was determined to achieve progress towards democracy and to deal with the structural problems which had been at the root of the armed conflict and had not yet been solved. It was essential to seize the historic opportunity being offered to all Guatemalans to take responsibility for the peace agreements as the priority national task, which transcended special interests of any kind.

10. The resolution adopted by the Commission represented political support of crucial importance to the peace process, in its recognition of the progress achieved, but also in its indication of the main problems involved and in the identification of the main areas of resistance from the traditional sectors of power in Guatemala. He had in mind the crucial decisions which remained to be taken regarding constitutional, tax and judicial reforms, the strengthening of civil institutions, agrarian issues, the modernization of the Government and recognition of the ethnic, cultural and linguistic diversity of the Guatemalan nation.

11. URNG hoped that the international community would continue to support Guatemala given the new political situation prevailing in the country, which MINUGUA had played a key role in introducing. UNRG expressed its appreciation to the Special Rapporteur and the independent experts and to the Secretary-General's Mission in Guatemala, whose conclusions were a valuable contribution to the establishment of peace in Guatemala.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1998/3 and Corr.1, 9, 12-15, 55-67, 68 and Add.1-3, 69-73, 113, 114, 126, 127, 130, 132, 138-140, 142, 143, 147-150, 152 and 154; E/CN.4/1998/NGO/7, 13, 39, 40 and 101; A/52/472, 476, 479, 484, 486 and Add.1/Rev.1, 493, 505, 510 and 522)

Situation of human rights in Afghanistan

12. Mr. Choong-Hyun PAIK (Special Rapporteur on the situation of human rights in Afghanistan) said that, in the year of its fiftieth anniversary, the Universal Declaration of Human Rights was far from being a common standard for the people of Afghanistan, in particular its female population. Grave violations of human rights had taken place in Afghanistan since the Commission's previous session, the most serious being the alleged mass killings in the north of both combatants and civilians. The forensic expert who had accompanied him on a visit in December 1997 to a number of mass graves and burial sites in the three regions concerned had concluded that two of those areas contained evidence that might support allegations of human rights abuses. He had therefore recommended in his report a thorough, neutral and independent investigation to seek out and punish the violators. The mass killings had further exacerbated the ethnic divide in Afghanistan and eroded the already fragile social fabric, generating a vicious circle of retaliatory massacres which must be halted immediately.

13. The general human rights situation in Afghanistan, in the areas controlled by both the Taliban movement and the Northern Alliance, had further deteriorated; violations continued to be perpetrated by both parties. Security had deteriorated further in all parts of the country and aid agencies had had to evacuate their international staff or suspend operations in the wake of deliberate physical attacks.

14. An additional development of extreme gravity was the edict issued by the Taliban in March 1998 which required that female Muslim international staff be denied access to and the possibility of work in Afghanistan unless accompanied by a close male relative. The situation of women, who were being prevented from enjoying their basic human rights (health care, education and employment), especially in urban areas controlled by the Taliban movement, was particularly disturbing and had further deteriorated. In northern Afghanistan, although the situation of women was less severe, there was no evidence of improvement and less attention was paid to the protection of human rights in general, mainly due to fighting among the rival factions of the

Northern Alliance. The parts controlled by the Taliban movement made Afghanistan the only country in the world where gender discrimination was an official policy. Notwithstanding cultural and other specificities, the international community could not and should not accept such a situation.

15. Practices of corporal punishment such as amputations and public executions which were incompatible with the provisions of the Convention against Torture, ratified by Afghanistan, continued to take place in areas controlled by the Taliban. In that connection, the Special Rapporteur on torture had expressed the view that States applying religious law were bound to do so in such a way as to avoid the application of pain-inducing acts of corporal punishment in practice.

16. The general situation of human rights throughout Afghanistan had resulted in massive internal displacement and a large number of Afghans living outside the country's territory. In view of the continuing civil war in Afghanistan, the situation of Afghan refugees should be considered within the framework of a long-term policy of the international community regarding the neighbouring States which were bearing the refugee burden. Afghanistan had no central Government and virtually no economy. Although, as the Independent Expert on Somalia had observed, the absence of a central Government in the country should not remain an obstacle to re-establishing respect for human rights, the end of the armed conflict and the formation of a broad-based fully representative Government would be a stepping stone for re-establishing respect for human rights in Afghanistan.

17. Mr. TANDAR (Observer for Afghanistan) commended the Special Rapporteur on his report, which was the fifteenth on the situation of human rights in Afghanistan in 20 years of conflict and the most alarming. A large part of the Afghan population - everyone under 20 years of age - did not know peace, had witnessed acts of violence, had seen human beings, loved ones, killed, were living in fear. The deliberate strategy of the Taliban, who combined the violence of weapons with the violence of the arbitrary, extremism and obscurantism, was to divide the Afghan people on any possible pretext, even that of religion, despite religion's traditional unifying role, at the cost of the life, human dignity and future of an entire people. Not satisfied with tearing the nation apart, the Taliban were also turning Afghanistan into the country of sexual apartheid.

18. The war in Afghanistan was not an ethnic war: the Taliban did not represent an ethnic group and they were considered by the people to be occupiers. Outside of a war situation, they did not exist and they bore the entire responsibility for the military offensives which had taken place during the preceding year and which had aggravated the human rights situation in the country. For the authorities of the Islamic State of Afghanistan, there could be no military solution to the conflict: the only possible solution was a political one. They remained prepared to enter into negotiations, in Afghanistan or elsewhere, to end an absurd war, but they would not budge on one essential point: the question of national independence. The recognition of Afghanistan's territorial integrity and the end of foreign interference were a sine qua non.

19. The obscurantist and totalitarian ideology behind the Taliban, who were the enemies of beauty, joy and life, had not only plunged Afghanistan into hell, but even threatened other countries, as well as the peace and prosperity of the entire region. The international community had a political and moral duty to seek a political solution in Afghanistan with determination and sincerity. The Afghan authorities ardently desired the success of the mission of the Secretary-General's Special Envoy for Afghanistan and the mission which was to be undertaken by the Permanent Representative of the United States to the United Nations on behalf of the United States Government and the Governments of seven other States in order to end the war and whose success they would do everything in their power to ensure.

20. Mr. Gallegos Chiriboga (Ecuador) took the Chair.

21. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), introducing his report (E/CN.4/1998/59), said that, while some had cast doubt on the intentions of the new Government to improve the human rights situation in the country, given the significant number of changes over the three months covered by the report, the Iranian Government should be given the benefit of the doubt. The priorities chosen and the rate of progress might be questioned, but the Government's intent to effect change was undeniable. There were, to be sure, powerful interest groups in the country which appeared determined to resist change. However, action being carried out in several areas gave every reason to believe that the President of the Republic had a strategy for overcoming the obstacles to change.

22. Discussions were under way on a further visit to Iran and he was hopeful that an early agreement would be reached and that the Government would return to full cooperation with the Commission in that regard.

23. He expressed the hope that the resolution to be adopted by the Commission on the situation of human rights in Iran would not become bogged down in details and that it would reflect the prospect of substantial change that was now so clearly evident in that country.

24. Mr. KHORRAN (Islamic Republic of Iran) said that the new Government had undertaken many initiatives to institutionalize the rule of law, consistent with the provisions of the Constitution and Islamic values. Convinced that human rights should be promoted from within, it had established new national mechanisms. There were numerous advantages of a national approach over international monitoring: it involved all institutions of civil society, mobilized the necessary support, was consistent with the particularities of each society and, above all, helped create an environment conducive to the continued promotion of human rights.

25. In that light, the Special Representative could play an important role in enhancing national capacities, including the provision of advisory services, increasing human rights education and strengthening the Iranian national institution for human rights (Islamic Commission for Human Rights).

26. The Special Representative's report failed to appreciate all of the positive developments in Iran and those omissions should be corrected. In any

event, the Islamic Republic of Iran remained determined to implement human rights principles and to continue its cooperation with the Special Representative.

27. Mr. ARTUCIO (Special Rapporteur on the situation of human rights in Equatorial Guinea), introducing his report (E/CN.4/1998/73 and Add.1), said that the political dialogue which had been held by the Government and the political parties from February to April 1997 and had yielded the "Document on the Evaluation of the National Pact and Legislative Agreements 1997" had given rise to great expectations of a decisive step forward in the process of democratization.

28. Regarding the status of women, much work remained to be done in the educational, professional, social and political spheres, but some progress had been achieved, notably through the activities of the Ministry of Social Affairs and the Situation of Women. There had been very little progress on economic, social and cultural rights and the extreme poverty in which a large part of the population of Equatorial Guinea lived remained a matter of concern. With regard to ethnic diversity, serious disturbances had taken place on 21 January 1998 on the island of Bioko and had led to a further visit by the Special Rapporteur in March 1998. During those events, an armed group of civilians had attacked several military barracks and police stations; the authorities had qualified those acts as "attempted insurrection" and ordered a full-scale state of emergency. The authorities' prompt reaction was no doubt the reason why it had been possible to avoid a deterioration in the situation, which, given the prevailing atmosphere of unrest, might have degenerated into an ethnic conflict. On 25 January, a group of Bubis had distanced themselves from the movement seeking self-determination for the island of Bioko and held a peaceful demonstration against the acts of violence. In the following days, it was reported, 550 people had been arrested and 110 were still being held. Many of the detainees had been subjected to torture and ill-treatment and the Government must be held responsible for not having provided for the security and physical integrity of the people detained.

29. Despite the serious incidents of January 1998, he saw no reason to modify his general assessment of the situation, which had been improving slightly until then. The events of January 1998 had been limited to the island of Bioko and there was reason to believe that only a small group of people had been responsible, as there was nothing to prove that they had been supported by the movement seeking self-determination for the island of Bioko, much less the Bubi population. Rather than repeat all the recommendations contained in the report, he stressed the need to recommend that the Government of Equatorial Guinea should vigorously promote forms of dialogue designed to integrate all the ethnic groups of the society, emphasized that it was important for the Commission to request the High Commissioner for Human Rights to continue to provide technical assistance and advisory services to Equatorial Guinea, in cooperation with the United Nations Development Programme, and noted that the progress achieved so far was not sufficient to enable the Commission to end its monitoring of the situation in Equatorial Guinea.

30. Mr. MAYE NSUE MANGUE (Observer for Equatorial Guinea) commended the Special Rapporteur, whose report accurately reflected the situation and

progress achieved in the field of human rights, and reaffirmed his Government's determination to continue cooperating with United Nations bodies, friendly countries and non-governmental organizations. He was pleased to inform the Commission that the revision of the National Pact between the Government and the political parties had been successfully completed and had helped to create an atmosphere of cooperation between the different political parties in the country. Further, to promote economic, social and cultural rights, the Government, in cooperation with the political parties and national and international economic leaders, had held the first National Economic Conference from 8 to 13 September 1997 in the city of Bata. In anticipation of the legislative elections to be held by the end of the year, the Government was taking the appropriate measures pursuant to the agreements with the political parties. In view of that progress, the Government believed that the technical assistance it was receiving in the field of human rights should be strengthened and it requested support from the Commission for its idea of establishing a centre for the promotion of human rights and democracy.

31. The Government of Equatorial Guinea thanked the Special Rapporteur for his visit, which had enabled the Special Rapporteur to make on-the-spot observations and verifications of the situation regarding the events which had occurred on the island of Bioko on 21 January, but it regretted that those events, which had been a terrorist attack threatening national unity and stability, had been deliberately misinterpreted to the public and to certain countries and international bodies cooperating with Equatorial Guinea and portrayed as no more than an ethnic and tribal conflict.

32. Mr. AKAO (Japan) said that, despite the remarkable progress in international protection of human rights over the last 50 years and the international community's proclamation of those rights as universal and indivisible, violations continued to be committed in every corner of the globe.

33. The situation in the former Yugoslavia, particularly in Kosovo, was extremely disturbing. The same could be said for Afghanistan, where torture, killings and discrimination against women and girls were common practice, and Algeria, where many thousands of innocent civilians had been killed or maimed. The situation in such countries as Iraq, Nigeria, the Sudan, Rwanda, Burundi, and the Democratic Republic of the Congo was also alarming.

34. On the other hand, there had been some progress in Iran, where the new Government had proclaimed the importance of the rule of law, citizen participation in politics and the protection of rights and freedoms. However, numerous problems persisted. His delegation was particularly disturbed by the fact that the Special Representative had not been allowed to visit the country since 1996.

35. With regard to Cuba, while continuing violations of human rights and fundamental freedoms remained a matter of deep concern, the Government of Japan welcomed the release of prisoners, including political prisoners, in response to international public opinion.

36. Japan evaluated positively the progress achieved in dialogues with China, which could create a cooperative, rather than confrontational, atmosphere in the Commission on Human Rights. He hoped that there would be further progress.

37. The Government of Japan also valued highly the steps taken by the Indonesian authorities in their determination to accept technical assistance from the Office of the High Commissioner for Human Rights. It would continue to follow the human rights situation in East Timor closely.

38. The Japanese Government did not regard discussions on the human rights situation in specific countries as intervention in their internal affairs. That principle was established in the Vienna Declaration and Programme of Action, which stated that the promotion and protection of all human rights was a legitimate concern of the international community. From that standpoint, the fact-finding activities of the various human rights mechanisms were extremely useful.

39. With regard to the politicization of human rights, it was essential to avoid a confrontational approach in Commission discussions, especially on agenda item 10. The ultimate goal of the discussion was not to degrade the target countries, but to raise the level of the protection of human rights.

40. In that regard, his delegation stressed the importance of the special rapporteurs' activities, which enabled the Commission to discuss its agenda items with increasing objectivity. It urged those nations which were unwilling to receive or cooperate with special rapporteurs, whether thematic or country-specific, to cooperate with them. He was thinking primarily of the Government of Myanmar. The special rapporteurs, in turn, had a heavy responsibility to bear. As their reports might form the basis for discussions in the Commission, their evaluations must be as balanced as possible.

41. Mr. ZAHRAN (Observer for Egypt) said that human rights must be defended with equal force everywhere in the world and double standards must be avoided. Neither must a country's human rights situation be used as a pretext for interfering in its internal affairs or to obtain undue economic advantages.

42. Southern Lebanon and West Bekaa continued to be occupied and their populations were constantly subjected to the gravest violations of human rights and international law on the part of the Israeli armed forces. Egypt reiterated its appeal to Israel to comply with Security Council resolution 425 (1978), in which the Council had called upon it to withdraw forthwith its forces from all Lebanese territory and to allow the Lebanese refugees to return to their homes. It urged Israel to resume negotiations towards a comprehensive settlement in the Middle East, in conformity with the provisions of the Madrid Agreement and the principle of land for peace, and to end human rights violations in the occupied territories.

43. The situation in the former Yugoslavia had improved considerably since the Dayton Agreements, but there would be neither peace nor stability in the region until the provisions of those Agreements were comprehensively applied. It was, in particular, imperative to enable all refugees and displaced persons who so wished to return home and to spare no effort to bring the war criminals

to justice. The Egyptian Government was deeply concerned by the tragic events taking place in Kosovo. It condemned the human rights violations, deeply regretted the loss of human life and urged that that situation should be ended forthwith and that measures should be taken to achieve a peaceful settlement of the conflict in conformity with international law.

44. In the Great Lakes region, the situation had been steadily deteriorating in the humanitarian, economic and social spheres. In that connection, Egypt welcomed the conclusions adopted by the Council of Ministers of the Organization of African Unity at its sixty-seventh session, in particular those relating to measures to bring to justice those responsible for the genocide and to ensure the voluntary repatriation of the refugees. Egypt was deeply concerned about the acts of violence against humanitarian workers and human rights observers, several of whom had been murdered; it hoped that the States concerned would soon launch a process of peace, national reconciliation and reconstruction to restore the security of the peoples of the region.

45. Mr. ALDURI (Observer for Iraq) said that human rights had unfortunately become a political weapon used by certain States selectively to promote narrow interests and a means of haggling and bringing pressure to bear on those States which refused to accept any threat to their sovereignty or independence. The very States which prided themselves on being the champions of human rights kept silent when crimes against humanity were committed by States in their own camp, when they did not actually try to conceal those crimes. He had in mind the United States' indulgence towards Israel and the uncompromising attitude towards certain Arab and Muslim States.

46. The sanctions against Iraq had resulted in flagrant violations of human rights, in particular the right to life. One million children had died since the imposition of the embargo in 1990. Genocide was actually being committed with the full knowledge of the international community and neither the United Nations nor the Commission was making any effort to stop it. As the Secretary-General himself had stated in a report to the Security Council of 4 March 1998 (S/1998/194), the Memorandum of Understanding which the Government of Iraq had concluded with the United Nations, under which Iraq had been authorized to sell oil to buy medicine and basic necessities, covered only 20 per cent of the people's essential health needs.

47. Equality among States was one of the fundamental principles of the Charter of the United Nations. Regrettably, that principle was constantly violated, as attested by the attitude of the United States Government during the recent crisis it had artificially created in the wake of problems in the implementation of Security Council resolutions relating to the elimination of weapons of mass destruction. The United States had not hesitated to concentrate its forces in the Arabian Gulf, jeopardizing the security and stability of the entire region.

48. His delegation urged the Commission not only to turn its attention to what was happening in Iraq, but to study the effects of the sanctions in the social, economic, legal and cultural spheres in order to determine their impact on human rights. It took the opportunity to reiterate its request that the Commission should demand the lifting of the embargo against Iraq, in order to bring an end to the suffering of the Iraqi people.

49. Mr. Chak Mun SEE (Observer for Singapore), referring to the report by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68), said that, in paragraph 83, the Special Rapporteur expressed concern about the existence in countries such as Singapore of laws relating to drug offences which did not fully guarantee the presumption of innocence, as the burden of proof lay partially on the accused. That was a misconception, however, as his delegation had indicted in the past. Under section 17 of the Misuse of Drugs Act, it must be proved that the accused had possession of a controlled drug in excess of the quantity specified in that section. Only then did a rebuttable presumption of trafficking in drugs arise. In order to invoke that presumption, it must also be shown that the accused knew the nature of the particular controlled drug, whether diamorphine, cannabis, cocaine or opium.

50. Secondly, paragraph 94 of the report concluded that the death penalty should be eliminated for economic and drug-related crimes. His delegation disagreed strongly with that view. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights stated that, in countries which had not abolished the death penalty, the death sentence might be imposed for the most serious crimes in accordance with the law in force at the time of commission and that the sentence must be carried out pursuant to a final judgement rendered by a competent court. It was an indisputable fact that drug trafficking was one of the most serious crimes and, because of its geographical situation, Singapore had to be particularly vigilant towards drug traffickers. His delegation had also written to the Special Rapporteur to outline its view on that point.

51. Lastly, in its conclusion on the desirability of the abolition of the death penalty, the report cited Commission resolution 1997/12. However, that resolution did not accurately reflect the views of the international community as a whole, as it had been adopted by only one vote and as 34 delegations had issued a joint statement at the 1997 substantive session of the Economic and Social Council disassociating themselves from the resolution (E/1997/106). That having been said, the Government of Singapore attached the highest importance to the right of every individual to life, liberty and security of person, which was enshrined in the Constitution of Singapore. It urged the Special Rapporteur not to exceed his mandate.

52. Mr. FARRELL (Observer for New Zealand) said that he remained concerned at the human rights situation in several countries throughout the world, beginning with the African Great Lakes region, where massive population movements and the armed conflict had led to human rights violations in Burundi, Rwanda and the Democratic Republic of the Congo. He was also concerned about human rights in Nigeria and shared the concern expressed by the Commonwealth Heads of Government in October 1997 at the continued detention without trial of a large number of persons. In the Sudan, continuing reports of human rights violations, in particular of the rights of women and children, were also a matter of concern. With regard to the tragic events in Algeria, New Zealand urged the Government of Algeria to enter into a process of informed and constructive dialogue aimed at putting an end to the atrocities. It deplored the fact that Iraq had again refused access to the Special Rapporteur on the situation of human rights in Iraq and was continuing

to ignore requests by United Nations agencies for the admission of human rights monitors; it welcomed the expansion of the "oil-for-food" programme and urged the Government to comply with its responsibilities for the benefit of its people.

53. Political instability in Afghanistan continued to give rise to human rights concerns. New Zealand urged the warring factions to move towards a peaceful resolution of their conflict. Human rights violations continued in the former Yugoslavia, despite some progress. Of greatest concern was the situation in Kosovo, which had deteriorated markedly since the Special Rapporteur's report, while the most significant progress appeared to have been made in the Former Yugoslav Republic of Macedonia. The human rights situation in Myanmar had not improved; it was essential for the Government to engage the opposition in a genuine political dialogue. In Cambodia, the Government must act against political violence and intimidation and make the conduct of free, fair and credible elections a high priority. The renewed use of violence in East Timor could not be justified; New Zealand urged the parties to strive for a comprehensive and internationally acceptable settlement.

54. Nevertheless, he welcomed the positive steps that had been taken in several countries. China had signed the International Covenant on Economic, Social and Cultural Rights and had announced that it would sign the International Covenant on Civil and Political Rights. In Iran, policy statements by President Khatami and the Government of Iran about tolerance and respecting civil rights and freedoms were encouraging developments; New Zealand also welcomed Iran's emerging leadership in regional human rights initiatives, including its able chairmanship of the United Nations Asia Pacific Human Rights Workshop held recently in Tehran. New Zealand would also like to place on record its recognition of the progress made towards achieving a peaceful resolution to the conflict on Bougainville.

55. Ms. SCHENSE (Human Rights Watch) said that the human rights crisis in Algeria was among the gravest in the world. An estimated 75,000 persons had been killed since 1992, most by armed groups opposed to the Government. Serious questions had been raised, however, about the Algerian Government's efforts to stop those massacres and it was well known that torture was practised in police interrogation centres. Furthermore, the Algerian authorities had rebuffed assistance efforts by Commission mechanisms and international human rights organizations. As yet, however, no Government had tabled a resolution on the situation in Algeria. Human Rights Watch called on the Commission to appoint a special rapporteur on the human rights situation in Algeria and to encourage the Government to cooperate with the Special Rapporteur. Such a step by the Commission would help save lives. The perpetrators of the massacres and other gross human rights abuses had operated for much too long with impunity.

56. Another country where serious human rights violations as well as opposition to United Nations human rights investigators had persisted was the Democratic Republic of the Congo. Hundreds of civilians had reportedly been killed by Government soldiers. Political activities by opposition groups and human rights defence organizations had been banned. The authorities had obstructed investigations into refugee massacres reported to have taken place

in the former Zaire. The work of the Secretary-General's investigative team had been suspended one week earlier. Human Rights Watch therefore called on the Commission strongly to condemn the ongoing violations of human rights in the Democratic Republic of the Congo, to renew the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and that of the Commission's joint investigative team and to request the Secretary-General's investigative team to continue its probe from outside the country; it urged all States with ties to the parties in conflict to provide information about the identity, command and deployment of troops, and any other relevant information, to the investigators.

57. Ms. SCHERER (Amnesty International) said that, at the fifty-fourth session of the Commission, Amnesty International was discussing human rights violations in a number of countries, including Cambodia, Colombia, Kenya, Saudi Arabia and Turkey. Information on the human rights situation in those five countries was found in Amnesty International's document for the Commission session. Her statement would relate to a country in the midst of a human rights crisis, one where the security forces, armed groups and State-armed militias killed with impunity, where the security forces failed to protect men, women and children from having their throats slit, where the families of the disappeared were still searching for their loved ones months and years after they had been arrested and where the violence had left up to 80,000 dead, many of them civilians. That country was Algeria and, although the international community was fully aware of the gravity of the human rights situation in the country, the Commission's silence had been deafening. For six years, the Commission had been a spectator to the tragedy. At the 1993 World Conference on Human Rights, States had solemnly pledged that human rights were a legitimate concern of the international community: how many Governments were prepared to give those words real meaning?

58. How much death and violence would it take for the Commission to face up to its responsibilities? Were the Algerian victims less deserving of action by the Commission than victims elsewhere? The Commission had not only a mandate to act on situations such as the one prevailing in Algeria, but a moral duty to do so. It should recommend a programme of action to ensure that the human rights situation in Algeria was addressed in a serious way. As an immediate first step, it should appoint a special rapporteur, supported by the thematic mechanisms and technical experts, to carry out on-site visits, in order to ensure scrutiny of the situation and report urgently to the Commission with recommendations for further action.

59. Mr. LITTMAN (Association for World Education) said that the themes of his statement would be genocide and any call to kill in the name of God. With regard to Rwanda, he welcomed the reports of the Special Representative and of the High Commissioner for Human Rights and said that lessons must be learned from the horrors of the past. Belgium and the United States of America, through President Clinton, had acknowledged their guilt by negligence, while the French authorities had begun a procedure for examining the responsibility borne by the French Government for its policies in Rwanda. In the words of the Secretary-General of the United Nations, the decision not to act was also a decision and incitements to genocide should be regularly monitored and condemned. The United Nations semi-indifference to the slavery-cum-genocide

in the Sudan since 1989 left a deep blemish on its reputation. As far as Israel was concerned, the aim of Hamas was the death of all Jews; its charter and written statements were an incitement to genocide. The Commission must act immediately.

60. An extreme form of the misuse of religion was the call to kill in the name of God and religion, which had never been condemned clearly by United Nations bodies as a crime against humanity. Any such call to kill was a universal evil that should be outlawed by the world community and by all spiritual leaders, as Pope John Paul II had done at Tunis on 14 April 1993, and as Imam Soheib Bencheikh, Mufti of Marseilles, had done in a statement to the Commission on 27 March in which he had condemned the barbarism being perpetrated daily in Algeria in the name of Islam. It was regrettable that the Government of Israel had not asked the country's highest religious authorities to condemn the statement by former Ashkenazi Chief Rabbi Shlomo Goren that any Jew might kill Arafat.

61. He asked the Chairman of the Commission to seek consensus for the Commission strongly to condemn any direct or public incitement to commit genocide and complicity in genocide, as defined in article III (c) and (e) and article IV of the Convention on the Prevention and Punishment of the Crime of Genocide and the comparable article 4 (a) of the 1965 Convention on the Elimination of Racial Discrimination, and strongly to condemn any call to kill in the name of God or religion, whatever its source.

62. Mr. SOTTAS (World Organization Against Torture - OMCT) said it was deplorable that certain serious human rights situations were not receiving adequate treatment, while others, which had earned sharp criticism from the Commission, had ceased to receive priority attention on the basis of a few as yet unfulfilled statements or promises. Non-governmental organizations were certainly the first to rejoice at positive developments, but they judged developments on a case-by-case basis rather than on declarations of intent.

63. With regard to Algeria, was it really impossible to intervene effectively to put an end to the violence? Could the Commission not provide the High Commissioner with a broader mandate and adequate resources at least to begin a process that might bring some calm to the situation? Regarding the Great Lakes region of Africa, although after many difficulties an international criminal court had been established in Rwanda, nothing, regrettably, had been done in Burundi. And yet over 10 years earlier, the Sub-Commission had adopted a study by Benjamin Whitaker on genocide, denouncing the genocides committed against the Hutus by the Tutsi-controlled Burundi army. The refusal by the authorities of the Democratic Republic of the Congo to permit a United Nations international commission of inquiry to make an in situ inquiry into the allegations of killings, their refusal to cooperate with the Special Rapporteur, Roberto Garretón, and their banning of an OMCT affiliate were all unacceptable and called for a reaction by the Commission.

64. The opening of an office of the High Commissioner for Human Rights in Bogotá was commendable, but, despite its positive impact, the office appeared to be far from responding to needs. OMCT hoped that it would be given

increased means to enable it to step up its activities. The situation in Indonesia and East Timor also remained disturbing. The hopes raised by the possibility of establishing a mechanism of the High Commissioner's office had been dashed, but should that disappointment be meekly accepted?

65. In view of the very serious human rights situations occurring throughout the world, the international community should adopt firmer measures to make the authorities concerned comply with binding international rules. The Commission's reluctance to do so was difficult to understand and raised the fear - after the hopes raised by the adoption of the Universal Declaration on Human Rights 50 years earlier - of a dangerous backslide.

66. Ms. HARRY (International PEN) said that her organization, which represented writers the world over, appreciated the valuable work done by the special rapporteurs, in particular their examination of the situations in Nigeria, the Democratic Republic of the Congo and Myanmar, where restrictions on freedom of expression were a matter of deep concern. To PEN's knowledge, 16 writers and journalists in Nigeria were serving prison sentences solely because of their articles and statements. In the Democratic Republic of the Congo, the new Government had already committed violations of freedom of the press by arresting journalists who had written critically about it and had even permitted one of them, a civilian, to be tried by a military court. In Myanmar, writers and journalists opposed to the Government were detained for lengthy periods, although conditions of detention seemed to have improved somewhat.

67. In connection with the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, PEN was increasingly alarmed by the climate of impunity in Colombia and Mexico for those who killed or threatened the lives of journalists and writers. Bahrain should be included for consideration under agenda item 10, as the Sub-Commission had recommended, and should be the subject of a special human rights mechanism. The special rapporteur mechanism should be extended to other countries where there were deeply rooted patterns of arbitrary arrest and long-term detention of dissidents. In Syria, for example, seven writers were serving sentences of up to 15 years in prison. But China held the record for writers and journalists imprisoned, either for opposing the Government or for calling for free speech and the right to form independent political parties.

68. Mr. DOS SANTOS (Latin American Federation of Journalists) said that nearly 600 journalists had disappeared or been killed in Latin America since 1970. There had been no Cubans among them. In Argentina, after the violent death of a photographer in 1997, about 100 journalists had been threatened, with no inquiry conducted.

69. In Cuba, the threats against 2,700 professional journalists were a different case, as they stemmed from the particular situation of a society which had been sustaining aggression of all kinds for 40 years. In recognition of that situation, the Fourth Meeting of the Ibero-American Federation of Journalists' Associations held in November 1997 in Venezuela, had condemned the reinforcement of the United States blockade against Cuba, which had been preventing journalists in the country from carrying out their

activities. The Meeting, organised by the Latin American Federation of Journalists and the Venezuelan Journalists' Association, had also stressed the need for the Latin American, Spanish and Portuguese media to combat the misinformation campaign being waged against Cuba by the Inter-American Press society. At the beginning of 1998, one television station and 18 radio stations in United States territory had been broadcasting over 1,300 hours per week of anti-Cuban programming, not to mention the activities of a few Cuban journalists, who were denying the situation in their own country for reasons of self-interest.

70. Yet about 100 foreign journalists were working in Cuba, primarily representing United States and Spanish television stations and the main international press agencies, and they had always been given full freedom to report on the situation seriously. Cuban journalists, for their part, were trying to find answers for the country's problems which did not involve the usual recipes for disaster, with their resulting unemployment, poverty and violence. In that connection, the Federation endorsed what Pope John Paul II had said in a 1992 document on the new times, namely, that the media aggravated the individual and social obstacles - consumerism, materialism, dehumanization, etc. - to solidarity and the overall development of the individual. Contemporary journalism in Cuba must uphold the country's own values and defend the social achievements of an entire people, in order to prevent the triumph of injustice.

71. Ms. BAUER (International Centre against Censorship) said that, despite the progress represented by the restoration of the democratically elected Government in Sierra Leone in February, freedom of expression in the country remained precarious. Newspapers were subject to an annual registration requirement, which was extremely restrictive. Journalists were still being sought and detained by ECOMOG troops, supposedly for their own protection, but in fact because of their perceived support for the AFRC. She urged the Commission to consider Sierra Leone's human rights record as a matter of public discussion under item 10 rather than under the confidential procedure established by Economic and Social Council resolution 1503 (XLVIII).

72. The situation in Algeria was also grave. The tens of thousands of killings in the past seven years remained shrouded in a web of secrecy which conferred immunity on their perpetrators. Journalists seeking to report on the conflict had been targeted by both sides and, until recently, the Government had maintained an almost total monopoly over information, the printing of newspapers and the use of advertising. In that context, the Government's announcement of a programme of reform which would significantly reduce restrictions on freedom of expression was a welcome development. But the international community must not relax its vigilance: the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture should be received by the Algerian authorities without further delay and a special rapporteur for Algeria should be appointed.

73. Mr. KHOURI (Union of Arab Jurists) said that, when the Charter of the United Nations and the Universal Declaration of Human Rights had been drafted, their authors had been aware that the violation of fundamental rights gave

rise to conflicts and that the promotion of respect for human rights and fundamental freedoms was essential to peace. Fifty years after the proclamation of the Universal Declaration, the connection between human rights and peace remained the same. In the Middle East, for example, there could be no political stability or economic development until the region ceased to be plagued by internal conflicts, external interference and violations of fundamental rights through practices such as the liquidation of the opposition, arbitrary arrests, prolonged detentions and persecution of certain groups. Human rights violations of external origin included Israel's hostile policies towards the neighbouring States and towards the Palestinian people, in violation of all the relevant international resolutions. That policy was jeopardizing the very survival of a people deprived of its country.

74. A policy of genocide was also being applied against Iraq by means of an embargo which was a violation of international law, the Charter of the United Nations and the International Covenants on Human Rights. More than 1.5 million Iraqis, in particular children, had been the victims of that policy, which violated the sacred right to life. The Iraqi education and health system, which had been highly advanced prior to the imposition of the embargo, had been seriously damaged. The Iraqi economy had suffered, as the country was no longer able to develop its natural resources. Since the embargo against Iraq was a threat to civil society, the sovereignty of the Iraqi State and the stability of the entire region, the Union of Arab Jurists called on the Commission to do everything in its power to see that it was lifted. Some 120 Iraqi children died every hour. A child might even have died since he had begun his statement.

75. Mr. Selebi (South Africa) resumed the Chair.

76. Mr. LEBLANC (Franciscans International), speaking on behalf of his organization in collaboration with the Dominicans, said that the most recent reports of Amnesty International and Human Rights Watch documented disappearances, extrajudicial killings and other acts of violence by the Mexican army and by paramilitary groups. The report of the United Nations Special Rapporteur on torture (E/CN.4/1998/38 and Add.1 and 2) stated that torture was systematic, a conclusion reached by the Committee against Torture when it had considered Mexico's periodic report a year earlier. The massacre of 45 civilians on 22 December 1997 at Acteal, Chiapas, had been a signal of the deteriorating situation. Human rights defenders were especially targeted by military and paramilitary groups, as attested by some recent assassination attempts. The military continued its persecution of local populations and, according to the National Mediation Commission, the presence of 70,000 Mexican Army troops in Chiapas gave rise to concern that the Government was planning a large-scale military offensive there. The Government was also refusing to honour the San Andrés Larrainzar Agreements signed in February 1996. The Commission should therefore seriously consider appointing a special rapporteur to examine the human rights situation in Mexico. The Government, for its part, should conclude its investigations into the Acteal massacre, disarm all paramilitary troops operating in Chiapas and fulfil the San Andrés Agreements with a view to restoring peace.

77. The situation in Colombia was also disturbing. He expressed concern about the inclusion in the Chairman's statement on Colombia of a reference to the private security services known as "Convivir", which seemed to be involved in serious human rights violations. The Commission should appoint a special rapporteur to monitor closely the various recommendations concerning Colombia and requests the High Commissioner for Human Rights to report to the General Assembly on the situation of human rights in Colombia.

78. In Burundi, the situation had clearly deteriorated since the preceding session. It was therefore imperative that the mandate of the Special Rapporteur on the situation of human rights in Burundi should be renewed. With regard to Rwanda, although some improvement had been noted, the Commission should re-establish the mandate of a Special Rapporteur on Rwanda.

79. Mr. OZDEN (Centre Europe-Tiers Monde-CETIM) said that extrajudicial and arbitrary executions, enforced disappearances, torture and arbitrary arrests were on the increase in Turkey. In addition, 4 million Kurdish peasants had been forcibly displaced within their own country. According to CETIM's information, the proposed changes in the Criminal Code were simply a pretext for further restrictions on the media and non-governmental organizations and the strengthening of impunity for the perpetrators of human rights violations. The links between the mafia, the far right, the security forces and the government militias had been confirmed in a recent report prepared at the Prime Minister's request.

80. The Government seemed unable to take effective measures to deal with that situation. To be sure, the inconsistent and irresponsible attitude of the member countries of the European Union was hardly an encouragement. Those countries had refused Turkey's membership on 13 December 1997, raising as arguments persistent human rights violations and failure to settle the Cypriot and Kurdish issues, yet, when Kurdish refugees had flowed into Italy a few weeks later, their best response had been to ask their police forces and the Turkish police to take "security measures" against the Kurds. During the summer of 1997, the Federal Republic of Germany had also prohibited the "European Peace Train", with its message of peace and solidarity from European societies to the Turkish and Kurdish peoples, from transiting through its territory. The member countries of the European Union had also been refusing for years to take the initiative in launching the adoption of a resolution by the Commission, despite the fact that the European Parliament had adopted a resolution on the subject on 14 January 1998. Did that mean that human rights violations in Turkey were less serious than those committed in Haiti or Cuba?

81. When the Western countries adopted contradictory positions according to whether the forums involved were regional or international and when national policies were too often subject to economic and financial interests, it was ridiculous to speak of respect for human rights. It was high time for the United Nations to take its rightful position in international relations, especially in enforcing human rights.

82. CETIM denounced the extradition application filed by Chile against Patricio Ortiz, an opponent of General Pinochet's dictatorship who had been in detention in Switzerland since September 1997. Inasmuch as torture was still

commonly practised in Chile and the Chilean regime did not provide the guarantees required for judicial assistance, the Commission should ask the Swiss authorities not to grant the application filed by Chile, a country with which, moreover, Switzerland had no extradition agreement.

83. Mr. GRAVES (African Commission of Health and Human Rights Promoters) said that Bahrain was unique in having reverted from a rudimentary democracy to a hereditary dictatorship. In resolution 1997/2 of 21 August 1997 on the situation of human rights in Bahrain, the Sub-Commission had noted the serious deterioration of the human right situation, including discrimination against the Shi'a population, extrajudicial killings, the persistent use of torture and the abuse of women and children in detention. There had been no improvement since. On 28 February, the Prime Minister had ordered the dissolution of the elected executive of the Bar Society and cancelled the elections for the Bar Society scheduled for 16 March. The State security courts continued to violate recognized principles of law by failing to respect the rights of the defence. Bahrain had acceded to the Convention on the Rights of the Child, but treated children of 15 upwards as adults. Children much younger were even arrested, detained incommunicado and tortured.

84. Bahrain had also signed the Convention against Torture, but had entered a reservation to article 20, effectively blocking any investigation of the reports by Amnesty International and others. The Special Rapporteur on torture was still awaiting the authorities' reaction to his observations of the previous year. The Special Rapporteur on extrajudicial, summary or arbitrary executions had expressed concern at the practice of arbitrary detention, especially of pro-democracy activists, and at the Government's unwillingness to cooperate with him. Religious discrimination and persecution against the Shi'a majority continued. Freedom of expression was non-existent. Bahrain was the only country in the region that deprived members of the opposition of their citizenship and expelled them. It had not replied to the Secretary-General's request for Governments' views on the question of arbitrary deprivation of nationality. It was high time for the Commission to turn its attention to the plight of the people of Bahrain.

85. Ms. BRIDEL (International Association of Democratic Lawyers - IADL) recalled that her organization had always condemned all forms of terrorism, in particular at the Conference on Terrorism held at New Delhi in February 1994 and the Fourteenth Congress of the Association held at Cape Town in April 1996 and distinguished it from the struggle of peoples for their right to self-determination and independence or their struggle against racism. It therefore condemned most forcefully the brutal killings being committed in Algeria. Even though the operations of the Algerian security forces could not be compared to the activities of "Islamist" groups and conspiracies, the serious charges against certain self-defence and civilian and military security services should be impartially investigated.

86. Although it welcomed the fact that Algeria had political pluralism and relative freedom of expression found in few third world countries, IADL called on the Algerian authorities to introduce a real democracy through a genuinely independent system of justice and a more evenhanded administration, an end to information monitoring and the opening of the media to all schools of thought.

She noted that the liberalization and privatization policies imposed on Algeria by the World Bank and the International Monetary Fund tended to increase unemployment and impoverish the population and were promoting the spread of terrorism. She added that Algerians were unanimously against a United Nations commission of inquiry and the European Parliament had dropped the idea of an international inquiry.

87. In the Sudan, repression, torture, unfair trials and extrajudicial crimes continued. On 1 December 1997, 38 women participating in a peaceful demonstration against the enforced conscription of their children had been subjected to ill-treatment; they had been tried and convicted in violation of the most elementary principles of law, and sentenced to flogging, and the sentence had been executed immediately. IADL called on the international community to end the crimes of the military-religious regime in the Sudan and to ensure that the Sudanese leaders were prosecuted in the same manner as the criminal leaders of Bosnia.

88. Mr. RADJAVI (International Federation of Women in Legal Careers) said that his brother, the late Kazem Radjavi, had told the Commission eight years earlier of the crimes being committed by the Iranian mullahs and backed up his charges with evidence, begging the Commission not to be deluded by the demagogue Rafsanjani. To no avail, for some Europeans had wanted to believe in the possibility of a change within a system that was unfortunately incorrigible, where Khomeiny's spirit still reigned. Eight years later, the situation was the same. After 41 United Nations resolutions condemning human rights violations in Iran, where no actual progress had been observed, Khatami was trying to salvage the Government by adopting the new slogan of an "Islamic civil society". The words were new, but not the man, much less his acts.

89. There had been 202 public and announced executions in Iran in 1997, or four times the 1995 figure. Seven people had been stoned in the last eight months, six on the same day in the same city. Government spokesman and Minister of Culture Mohadjerani had defended the stonings to the press and stressed the need for the people involved to be executed discreetly in order to avoid stirring up public opinion. The same minister had recently pledged proudly to apply censorship whenever necessary. There were no legal political parties in Iran: factional wars should not be interpreted as a sign of freedom of expression. According to a solemn declaration by Khatami on 17 November 1997, the law was defined as being the defence of the supremacy of religious law. Since Khatami's inauguration, 24 members of the opposition had been murdered outside Iran's borders. All those acts of terrorism had been officially endorsed by Khatami. The Supreme Council of the Cultural Revolution, which Khatami had chaired from the outset, had recently blocked Iran's accession to the Convention on the Elimination of All Forms of Discrimination against Women.

90. To avoid the same tragedies recurring, the Commission must not be swayed by those who insisted that Khatami should be given a chance. It should give the Iranian people a chance by adopting a firm and uncompromising resolution and bringing the question of human rights in Iran before the Security Council for the adoption of binding measures.

The meeting rose at 6 p.m.